THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :6304 of 2006

DATED:20-02-2007

BETWEEN:
P.Gopalakrishna Murthy.

..... PETITIONER

AND

The Commissioner of Police,
Vijayawada,
Krishna District & 2 others.

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the respondents 1 and 2 in taking cognizance of the petitioner's complaint, dated 24-03-2006, as illegal, and arbitrary, and consequently to direct the respondents 1 and 2 to take immediate action against the 3rd respondent on the basis of the petitioner's complaint, dated 24-03-2006.

3. It is stated that though a complaint was lodged by the petitioner on 24-03-2006 and though the allegations made therein *prima facie* go to show that a cognizable offence has been committed by the 3rd respondent, the 2nd respondent has not registered any crime. It is further stated that the said complaint has been received by the 1st respondent on
27-03-2006 by registered post making certain allegations against the 3rd respondent alleging that the 3rd respondent with the support of the local M.L.A. and others obtained the signatures of the petitioner forcibly on twenty blank promissory notes worth Rs.1,00,000/- each and threatened him with dire consequences in connection construction of 'Sai Residency Apartment', Gunadala, Vijayawada, and requested to take action in accordance with law. On receipt of the said

representation the 3rd respondent issued memo, dated 28-03-2006, to the Assistant Commissioner of police, Central Zone, who inturn forwarded the same to the 2nd respondent-Station House Officer, Machavaram police station on 29-03-2006 but the 2nd respondent failed to register the crime eventhough the allegations *prima facie* go to show that a cognizable offence has been committed, and ultimately a case in Cr.No.191 of 2006 was registered on 20-04-2006 for the offence punishable under Sections 384 and 506 IPC and a charge memo was issued on the 2nd respondent on 21-04-2006 awarding punishment of censure vide proceedings No.89/MPR/2006, dated 10-05-2006, and after completion of the investigation, the case was referred as 'false'.

4. Learned counsel appearing for the petitioner submits that based on the final report referring the said case as 'false' is illegal, arbitrary and moreover, credible witnesses have not been examined.

5. I am of the opinion that if the petitioner is aggrieved by the said final report, it is always open for him either to contest the said final report before the concerned Magistrate or to file a private complaint under Section 200 r/w 190 Cr.P.C. seeking appropriate relief.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

19th February, 2007.
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